

TRACIE D. WILLARD,)
)
 Plaintiff,)
)
 v.) Cause No. 1:10CV142 RWS
)
 MICHAEL J. ASTRUE,)
 Commissioner of Social Security,)
)
 Defendant.)

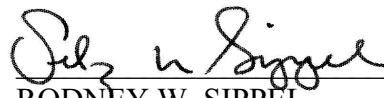
Plaintiff Tracie Willard filed this complaint challenging the Commissioner of Social Security' denial of her request for social security disability and supplemental security benefits.

The Appeal Council's sent its notice denying benefits on November 28, 2009. Because the case was not filed until September 17, 2010 the Commissioner filed a motion to dismiss the case as untimely on December 30, 2010. Willard has not challenged the Commissioner's motion or the fact that her complaint was filed out of time.

Accordingly,

IT IS HEREBY ORDERED that the referral of this matter to United States Magistrate Judge Terry I. Adelman is withdrawn.

IT IS FURTHER ORDERED that the Commissioner's motion to dismiss this case as untimely [#14] is **GRANTED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 4th day of March, 2011.